

SHIPPED: 11-20-53, from Portland, Oreg.

LBELED: 3-19-56, N. Dist III.

CHARGE: 402 (a) (3)—contained, while held for sale, insect-infested nuts, moldy and rancid nuts, shriveled nuts, and empty shells.

DISPOSITION: 4-20-56. Default—destruction.

23172. Unshelled peanuts. (F. D. C. No. 38604. S. No. 3-796 M.)

INFORMATION FILED: 5-3-56, W. Dist. N. Y., against Williams Produce, Inc., Elmira, N. Y.

ALLEGED VIOLATION: Between 5-26-55 and 10-27-55, while the above-mentioned article was being held for sale after shipment in interstate commerce, the defendant caused the article to be placed in a building that was accessible to rodents, insects, and cats, and to be exposed to contamination by rodents, insects, and cats, which acts resulted in the article being adulterated.

CHARGE: 402 (a) (3)—contained rodent pellets, insect pellets, and rodent hairs; and 402 (a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-3-56. \$200 fine.

23173. Peanut butter. (F. D. C. No. 38563. S. Nos. 21-064/5 M.)

INFORMATION FILED: 2-7-56, S. Dist. Iowa, against Peanut Corp. of America t/a Peanut Products Co., Des Moines, Iowa.

SHIPPED: 7-13-55 and 8-11-55, from Iowa to Nebraska.

LABEL IN PART: (Jar) "Lunch-on Net Wt. 1 Lb. Peanut Butter Manufactured By Peanut Products Co. Des Moines, Ia.—Omaha, Neb."; (can) "Homogenized Creamy Whip Peanut Butter Net Weight 8 Pounds Mfg. By Peanut Products Company Omaha, Nebr., Des Moines, Iowa, Indianapolis, Indiana."

CHARGE: 402 (a) (3)—contained insect fragments and rodent hair fragments; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 4-27-56. \$500 fine, plus costs.

OILS AND FATS

23174. Table and cooking oil. (F. D. C. No. 32721. S. Nos. 23-963/4 L.)

INFORMATION FILED: 9-26-52, E. Dist. N. Y., against Santuzza Oil Co., Inc., Brooklyn, N. Y., and Joseph Profaci, president.

SHIPPED: 1-18-51 and 3-6-51, from New York to New Jersey.

LABEL IN PART: (Can) "One Gallon Net Santuzza Brand * * * A Blend of 80% Corn and Peanut Oil 20% Pure Olive Oil Packed By Santuzza Oil Co., Inc. Brooklyn, N. Y."

CHARGE: 402 (b) (1)—a valuable constituent, olive oil, had been in whole or in part omitted from the article; 402 (b) (2)—an artificially colored mixture of vegetable oils, with little or no olive oil, had been substituted for a "Blend of 80% Corn and Peanut Oil 20% Pure Olive Oil"; 402 (b) (4)—an artificial color had been added to the article and mixed and packed with it so as to make it appear to be a product containing a substantial amount of olive oil, which is better and of greater value than the article; 403 (a)—the label statement "20% Pure Olive Oil" was false and misleading since it represented

and suggested that the article contained 20 percent of pure olive oil, whereas the article did not contain 20 percent of pure olive oil but contained little or no olive oil; and 403 (k)—the article contained artificial coloring, and it failed to bear labeling stating that fact when shipped.

DISPOSITION: The defendants, after entering a plea of not guilty on 10-27-52, filed a motion for a bill of particulars, which was denied by the court on 2-2-53. On 10-31-55, the defendants changed their pleas to guilty; and, on 1-26-56, each was fined \$3,000.

23175. Olive oil. (F. D. C. No. 32722. S. No. 23-962 L.)

INFORMATION FILED: 1-5-53, E. Dist. N. Y., against Mamma Mia Importing Co., Inc., Brooklyn, N. Y., and Joseph Profaci, president.

SHIPPED: 1-18-51, from New York to New Jersey.

LABEL IN PART: (Can) "Mamma Mia Brand * * * 100% Pure Olive Oil Packed By Mamma Mia Importing Co., Inc., Brooklyn, N. Y."

CHARGE: 402 (b) (1)—a valuable constituent, olive oil, had been in part omitted from the article; and 402 (b) (2)—a mixture of peanut oil and olive oil had been substituted for "100% Pure Olive Oil" when shipped.

DISPOSITION: The defendants, after entering a plea of not guilty on 1-5-53, filed a motion for a bill of particulars, which was denied by the court on 2-2-53. On 10-31-55, the defendants changed their pleas to guilty; and, on 1-26-56, each was fined \$1,000.

SPICES, FLAVORS, AND SEASONING MATERIALS

23176. Ground ginger, caraway seed, poppyseed, and ground white pepper. (F. D. C. No. 38594. S. Nos. 23-098 M, 23-141 M, 23-172/3 M, 23-224/5 M).

INFORMATION FILED: 5-1-56, Dist. Mass., against Stickney and Poor Spice Co., a corporation, Boston, Mass.

ALLEGED VIOLATION: On or about 9-29-55, while quantities of poppyseed and caraway seed were being held for sale after shipment in interstate commerce, the defendant caused the articles to be held in a building that was accessible to insects and to be exposed to contamination by insects, which acts resulted in the articles being adulterated.

The information alleged also that between 5-11-55 and 10-10-55, the defendants shipped adulterated caraway seed, ground white pepper, and ground ginger from Massachusetts to Connecticut, Maine, and Rhode Island.

CHARGE: 402 (a) (3)—contained dead insects, live insects, insect excreta, and insect fragments; and 402 (a) (4)—prepared or held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-28-56. \$200 fine.

23177. Sesame seed. (F. D. C. No. 39000. S. No. 37-427 M.)

QUANTITY: 174 150-lb. bags at New York, N. Y.

SHIPPED: In September 1955, from Alexandria, Egypt, by Hamed & M. Emam Samaha.

LABELED: 3-22-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained stones and clumps of mud when shipped.